330

BILL NO. Z-88-04-1

ZONING MAP ORDINANCE NO. Z-10-0988

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a ~~R-2-Two Family Residential District~~ under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

A part of the Northwest Quarter of Section 13, Township 31 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Commencing at the northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 13, Township 31 North, Range 12 East; thence North (assumed bearing), a distance of 1,335.6 feet to the centerline of Cook Road, also being the north line of the Northwest Quarter of said Section 13; thence West, a distance of 506.8 feet along said centerline of Cook Road and the north line of the Northwest Quarter of Section 13; thence south, a distance of 25 feet to the Point of Beginning; thence continuing South, a distance of 1,305.94 feet; thence North 89 degrees, 26 minutes, 37 seconds West, a distance of 255.64 feet; thence North 00 degrees, 05 minutes, 53 seconds East, a distance of 1,303.46 feet; thence East, a distance of 253.40 feet to the Point of Beginning; containing 7.62 acres, more or less, and subject to rights-of-way and easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. N-42, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19___, at _____ o'clock ___,M.,E.S.T.

DATE: 4-12-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Redd, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
GiaQUINTA	✓				
HENRY	✓				
LONG	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 7-26-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (APPROPRIATION) (GENERAL) (~~SPECIAL~~) (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. Z-00-88

on the 26th day of July, 1988,

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL

Thomas C. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,

on the 27th day of July, 1988,

at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of July,

1988, at the hour of 3:50 o'clock P.M.,E.S.T.

P. Helmke
PAUL HELMKE, MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

CK# 1039

№ 2761

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 3-19 19 88

RECEIVED FROM Ronald Daymude $ 50.00

THE SUM OF fifty & 00/100 DOLLARS

ON ACCOUNT OF

R-H6 R-2 900 Block Getz Rd.

Recd

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Summit Land Investments, Inc., DBA Investment Builders, Inc.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an R-2 District the property described as follows:

See Attached

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

900 Block of Cook Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Investment Builders Inc. Ronald E. Daymude	P.O. Box 724 Wabash, Ind 46992	Ronald E. Daymude
Investment Builders Inc LeRoy E. Lepley (Agent)	1120 Valley-o-Pines Pky Ft. Wayne, In 46845	LeRoy E. Lepley (Agent)
Summit Land Investments Inc. LeRoy E. Lepley	1120 Valley-o-Pines Pky Ft. Wayne, In 46845	LeRoy E. Lepley (Agent)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinan being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Bonar & Associates, Inc. (Engineers)	616 South Harrison St. Fort Wayne IN 46802	219/424-0318

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)

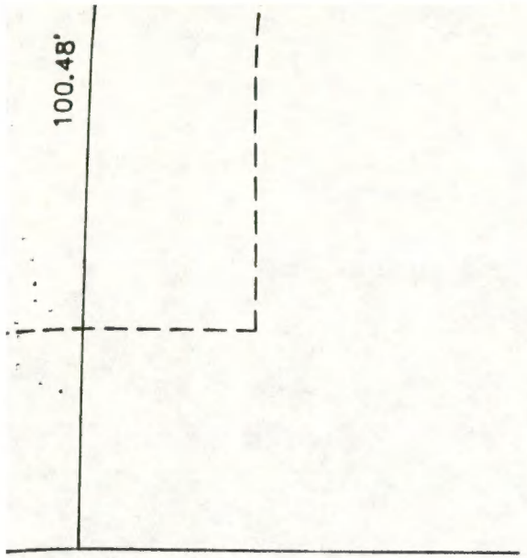
NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.



JT

ENGINEER

Bonar and Associates, Inc.
616 South Harrison Street
Fort Wayne, Indiana 46802

DEVELOPER

Investment Builders, Inc.
1120 Valley O'Pines Parkway
Fort Wayne, Indiana

DARRELL G. POST
REGISTERED
No. S0477
STATE OF INDIANA
LAND SURVEYOR

Darrell Post

LEGAL DESCRIPTION

A part of the Northwest Quarter of Section 13, Township 31 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Commencing at the northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 13, Township 31 North, Range 12 East; thence NORTH (assumed bearing), a distance of 1,335.6 feet to the centerline of Cook Road, also being the north line of the Northwest Quarter of said Section 13; thence WEST, a distance of 506.8 feet along said centerline of Cook Road and the north line of the Northwest Quarter of Section 13; thence SOUTH, a distance of 25 feet to the Point of Beginning; thence continuing SOUTH, a distance of 1,305.94 feet; thence North 89 degrees, 26 minutes, 37 seconds West, a distance of 255.64 feet; thence North 00 degrees, 05 minutes, 53 seconds East, a distance of 1,303.46 feet; thence EAST, a distance of 253.40 feet to the Point of Beginning; containing 7.62 acres, more or less, and subject to rights-of-way and easements of record.

TRACT ALSO BEING LOT C IN A.F. SMITH'S SUBDIVISION AS RECORDED IN PLAT BOOK 14, PAGE 67.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 12, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-04-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 16, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 23, 1988.

Certified and signed this
3rd day of June 1988.

Robert Hutner
Secretary

#330

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment Z-88-04-11

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 900 Block Cook Road

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential. Property will become R-2 - Two Family Residential District.

EFFECT OF NON-PASSAGE Property will remain - R-1 - Single Family Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-88-04-11
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From R-1 ro R-2

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
900 Block of Cook Road

Reason for Project
Proposed development of a duplex subdivision

Discussion (Including relationship to other Council actions)

16 May 1988 - Public Hearing

See Attached Minutes of Meeting

23 May 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the eight (8) members present six (6) voted in favor of the motion one (1) did not vote and one (1) voted against the motion.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Summit Land Investments Inc City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against -would create spot zone -would create a negative impact in area
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 19 February 1988

Projected Completion or Occupancy — Date 3 June 1988

Fact Sheet Prepared by — Date 3 June 1988

Patricia Biancaniello

Reviewed by — Date 6/9/53

Reference or Case Number

3. Public Hearing on Zoning Map Amendment and a Primary Subdivision Plat Deferred From April Public Hearing

a. Bill No. Z-88-04-11 - Change of Zone #330
From R-1 to R-2
900 Block of Cook Road

b. Primary Subdivision for "High Pointe Place"

Darrell Post, with Bonar & Associates, engineers for the development appeared before the Commission. Mr. Post stated that located to the east of the project is Shawnee Middle School to the west is new residence and west of that is Armstrong Flowers at the intersection of Cook and Coldwater is a POD, Stone Pointe Office Complex, a church and Lincoln School on the north side, North Baptist church on the south side of Cook Road and apartments at the east end of Cook Road. He stated that they are

Commission in writing the support of the area residents.

John Shoaff questioned if they were denied the rezoning would they develop the project into single family homes.

Mr. Post stated that without the R-2 zoning they would not continue with the development.

Janet Bradbury questioned what was the difficulty of the length of the cul-de-sac and why they have a designated length of 500 feet.

V.C. Seth stated that it is a requirement of the Subdivision Control Ordinance. He stated that they feel that it probably stems from the Fire Department. He stated that if the cul-de-sac is too long it would cause difficulty if there was an emergency on the street that required blocking it off. The people at the end of the cul-de-sac would be unable to get off of the street.

Janet Bradbury questioned how long this street was.

Mr. Post stated that it was in excess of 1,000 feet.

Wayne O'Brien stated that it was around 1,200 feet long.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning and development plan.

48 units
Springwood

Hold indefinitely

~~Table~~

BILL NO. Z-88-04-11

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~) Do Pass

YES		NO
Janet G. Bradbury	JANET G. BRADBURY CHAIRPERSON	
Mark E. GiaQuinta	MARK E. GiaQUINTA VICE CHAIRMAN	
	CHARLES B. REDD	
	DAVID C. LONG	
	PAUL M. BURNS	

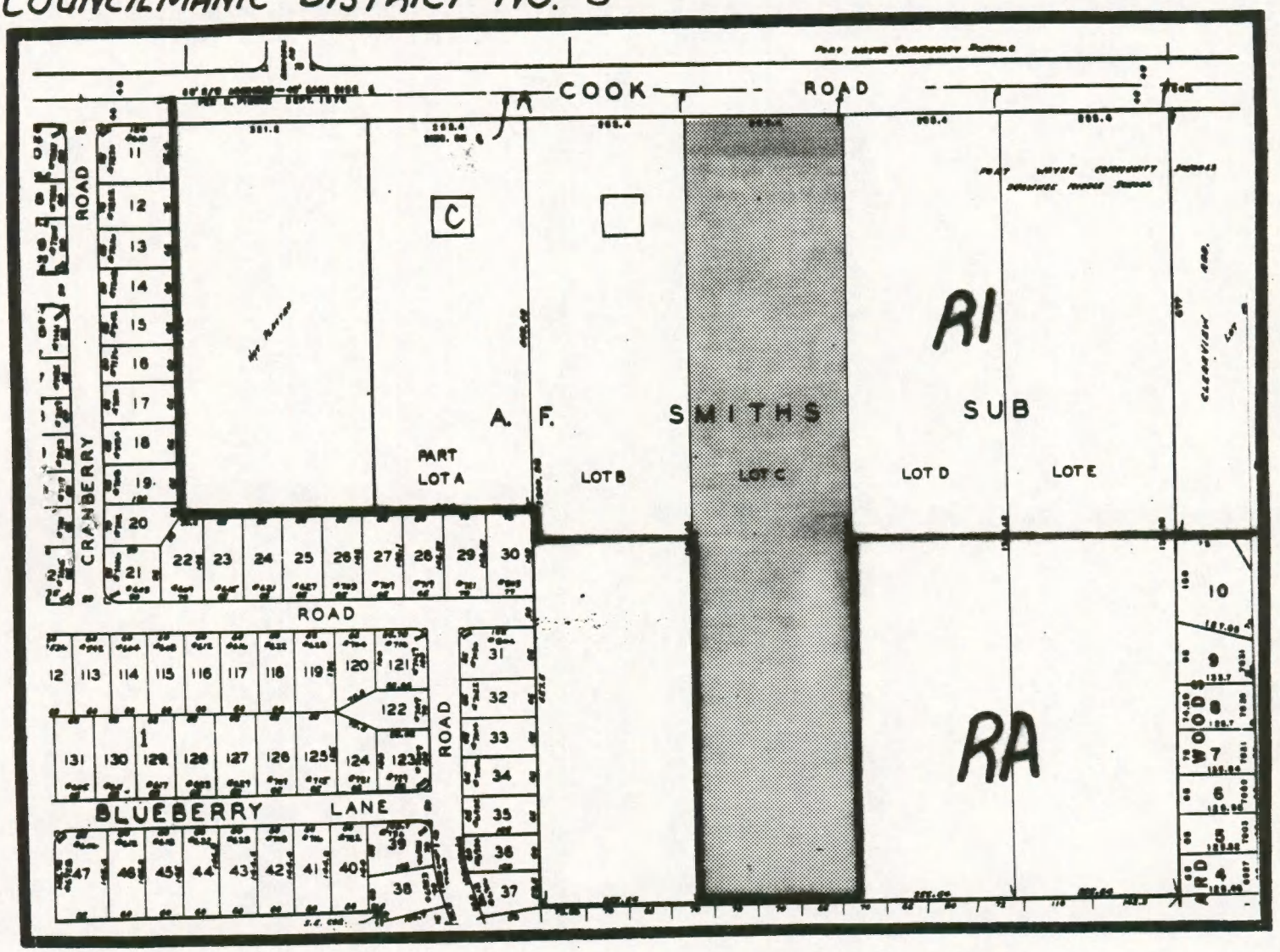
CONCURRED IN 7-26-88.

Sandra E. Kennedy
City Clerk

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RI DISTRICT TO AN RL DISTRICT.

MAP NO. N-42

COUNCILMANIC DISTRICT NO. 3



ZONING:

RI RESIDENTIAL DISTRICT
RA RESIDENCE A

LAND USE:

☐ SINGLE FAMILY
[C] COMMERCIAL

N

SCALE: REDUCED = 200' SCALE

DATE: 3-29-88